

**Consensual Two-Year Private Probation -- Board Case No. 18, 2002. Date of Sanction:  
November 6, 2002.**

A panel of the Preliminary Review Committee ("PRC") authorized the Office of Disciplinary Counsel ("ODC") to offer the Respondent attorney the sanction of a two-year private probation for violations of Rule 1.15(d) of the Delaware Lawyers' Rules of Professional Conduct ("DLRPC"). Rule 1.15(d) sets forth detailed and specific requirements for the maintenance of attorneys' books and records and handling of practice-related funds. The Respondent failed to properly maintain law practice books and records for escrow accounts as follows:

(a) Reconciliations of one account were not being performed in a timely fashion from January 2000 to July 31, 2000. No monthly reconciliations were performed from August 1, 2000 through December 2000.

(b) There were no monthly reconciliations of a second account performed from March 1, 2001 to the fall of 2001.

(c) As of January 31, 2002, there were approximately 100 outstanding checks, totaling \$14,804.45, in a third account.

The Respondent admitted that this conduct is in violation of Rule 1.15(d).

As an aggravating factor the panel considered that the Respondent has substantial experience in the practice of law. Relevant mitigating factors were the absence of any prior disciplinary record; full and free disclosure to and cooperation with disciplinary authorities; efforts to eliminate the deficiencies; expressed remorse for the misconduct; and a good reputation as a member of the Bar.

The private probation is subject to the following conditions: semi-annual reporting by a licensed certified public accountant, certifying maintenance of practice financial accounts, books and records in full compliance with Rule 1.15(d); cooperation with the ODC in its efforts to monitor compliance with his probation, including but not limited to cooperation with any audit performed by the Lawyers' Fund for Client Protection ("LFCP") at the Respondent's expense; cooperation with the ODC's investigation of any allegations of unprofessional conduct which may come to the attention of the ODC during the period of probation; and payment of costs.

Procedural Rule 8(a)(7) of the Delaware Lawyers' Rules of Disciplinary Procedure provides that the sanction of a private probation may be imposed by the PRC with the consent of the respondent. Pursuant to Procedural Rule 9(a)(4)(D), this consent means that the Respondent does not contest the findings of the PRC that there was probable cause that the Respondent engaged in professional misconduct; however, if the Respondent is not subsequently found by a panel of the PRC to have engaged in professional misconduct within the probationary period, the probation will be removed from the formal disciplinary record and cannot be used in any subsequent disciplinary proceeding.